

Esharuddin @ Esharu Md.

Vs

The District Magistrate, West Dinajpur and Others

Writ Petition No. 357 of 1974

(K. K. Mathew, P. N. Bhagwati, N. L. Untwalia JJ)

19.12.1974

JUDGMENT

MATHEW, J. -

1. The petitioner challenges the validity of an order of detention passed on June 7, 1973 under the provisions of sub-section (3) of Section 3 of the Maintenance of Internal Security Act, 1971. In pursuance to the order, the petitioner was detained on June 18, 1973. The grounds of detention communicated to the detenu stated that he along with others committed dacoity on March 1, 1973 and March 6, 1973, that it had created panic among the villagers and that if he was let at large he would be a menace to public order. He filed a representation on July 5, 1973. That was rejected by the Government. The representation was thereafter sent to the Advisory Board. The Advisory board reported that there was sufficient cause for detention and the State Government confirmed the order of detention.

2. The only ground urged by Counsel for the petitioner was that the representation of the detenu was not forwarded to the Advisory Board or considered by it and, therefore, the detention of the petitioner was bad.

3. We do not think there is any merit in this contention. Although in the affidavit in opposition it was not stated that the representation of the detenu was sent to the Advisory Board, it is clear that the representation was actually considered by the Board. We have had the benefit of seeing the report of the Advisory Board and we are satisfied that the representation of the detenu was before the Advisory Board and that it was considered by the Board before making its report.

4. We dismiss the petition.

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